IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 29853 of 2007(D)

PETITIONER:

SHEEBA.P.
D/O. PAREETHUKUNJU, LATHEEF MANZIL,
VARINJAM, CHATHANNOOR, KOLLAM DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.NIYAS A.SALAM
SRI.A.S.SABU

RESPONDENTS:

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1. THE SECRETARY,
THE PARAVUR S.N.V. REGIONAL CO-OPERATIVE BANK
LIMITED,NO. 1685, PARVUR, KOLLAM.

2. THE MANAGER,
THE PARAVUR S.N.V. REGIONAL CO-OPERATIVE BANK
LIMITED,NO. 1685, PARVUR, KOLLAM.

BY ADV. SRI.B.SURESH KUMAR (FOR R1)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 29853/2007/D

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE NOTICE ISSUED BY THE REPSONDENT DATED 17.9.2007.

EXT. P2: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER.

/TRUE COPY/

P.A. TO JUDGE

JP

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.29853 OF 2007

Dated this the 22nd day of November, 2007

JUDGMENT

Learned counsel for the respondent Bank submits that Ext.P1 is only a notice calling upon the petitioner to pay off the outstandings. That notice is issued even before the initiation of any arbitration proceedings, which, if instituted, would also carry with it a demand for costs. It is further pointed out that the loan was availed for housing purpose, however, that no house was constructed. It is also stated that no amount whatsoever has been paid after availing of the loan. In the said circumstances, I do not find any ground to interfere with the impugned notice.

2. In such circumstance, learned counsel for the petitioner has sought for an order letting the petitioner to pay off the entire outstandings in instalments. Hence, this writ petition is disposed of directing that if the petitioner remits the entire amounts covered by Ext.P1 in four equal monthly instalments, the demand

will stand deferred. However, if there is default in remitting the instalments as aforesaid, the benefit of this judgment shall stand recalled automatically.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.